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October 30, 2006

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Applicant(s): Nielsen, James T.; et. al.  
Assignee: Cardica, Inc.  
Title: Surgical System and Method for Connecting Hollow Tissue Structures  
Serial No.: 10/720,618  
Examiner: Natalie R. Pous  
Docket No.: 142

Filed: November 24, 2003  
Group Art Unit: 3731

Transmitted herewith are the following documents in the above-identified application:


- (1) This Transmittal Letter; and
- (2) Election.

Please charge Deposit Account 502108 for any fees required, and credit deposit account 502108 any amounts overpaid.

I hereby certify that this correspondence is being  
facsimile transmitted to the United States Patent and  
Trademark Office (Fax No. (571) 273-8300) on  
October 30, 2006.

  
\_\_\_\_\_  
Brian Schar  
Attorney for Cardica, Inc.

Respectfully submitted,

  
Brian A. Schar  
Reg. No. 45,076  
Cardica, Inc.  
900 Saginaw Drive  
Redwood City, CA 94063  
(650) 331-7162

OCT 30 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Nielsen, James T.; et. al.  
Assignee: Cardica, Inc.  
Title: Surgical System and Method for Connecting Hollow Tissue Structures  
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**ELECTION**

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This communication is in response to the Office Action of October 17, 2006 ("Office Action"). With regard to the restriction requirement, Invention II, defined as claims 12-16, 27-33 and 63-67 is elected without traverse.

With regard to the election of species requirement, claims 12-16, defined as "Species 1," are elected with traverse. MPEP 806.04(e) states that "[c]laims are definitions of inventions. *Claims are never species.*" (emphasis in original). In contrast, the Office Action identifies species 1, 2 and 3 as claims. As a result, the withdrawal of the election of species requirement with regard to Invention II is requested, as is examination of all claims of Invention II.

Please contact the undersigned if there are any questions.

Respectfully submitted,



Brian A. Schar  
Reg. No. 45,076  
Attorney for Cardica, Inc.  
900 Saginaw Drive  
Redwood City, CA 94063